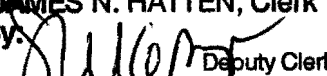


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

MAY 1 2014

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

DENNIS MARX, <i>Pro Se</i>)	CIVIL ACTION FILE NO.
Plaintiff,)	2:13-CV-175
v.)	
)	
ROBERT HEAGERTY,)	
et al.)	

PLAINTIFF'S NOTIFICATION TO THE COURT

Plaintiff *Pro se* Dennis Marx hereby notifies this Honorable Court that Plaintiff was not properly served nor has Plaintiff received, to this date, the filings by Defendant Sheriff Duane Piper of 'Response to Plaintiff's Motion to Amend...' and 'Objection to Plaintiff's Filing of Summonses' filed in this Court within this instant action by Defendant on or about April 15th 2014 thus denying Plaintiff *Pro se* his right to respond.

Let it be known that throughout this pending Action, Plaintiff has made every effort to timely and appropriately respond to the entire record of filings by Defendant Sheriff Duane Piper. Let the Record speak for itself.

In response to the Order issued by this Honorable Court and in anticipation of Process of Service to remaining Defendants, Plaintiff did notify Defendant respective attorneys of the impending issue of service. Attached is a copy of the notification. Plaintiff received no response.

To afford Plaintiff his right to timely and properly perform service, Plaintiff did receive verbal authority and instructions from the Forsyth County Liability Insurance carrier ACCG. Please see attachment II.

Plaintiff herein notifies this Honorable Court that (attempted) Service of remaining Defendants did occur on this date: April 30th 2014.

Respectfully,


Plaintiff Dennis Marx, *Pro se*

April 23, 2014

Ken E. Jarrard
Jesse A. Van Sant, Esq.
Jarrard & Davis, LLP
105 Pilgrim Village Drive
Suite 200
Cumming, Georgia 30040

Dennis Marx, *Pro se*
1405 Lakeside Trail
Cumming, Georgia 30041

To Whom It May Concern:

This letter is to inquire as to whether you and your office will accept Service of Summons on behalf of the remaining Defendants within Civil Action Case No. 2:13-CV-0175-RWS filed within the NORTHERN DISTRICT OF GEORGIA GAINESVILLE DIVISION.

If you refuse to accept such service on their behalf, please provide an alternative solution, such as the appropriate Insurance Provider, etc.

Or, due to the fact that all of the other parties served with Waiver of Service have failed to respond timely, I will be forced to request that the Judge in this case issue an order to have proper Service of Summons performed via the U.S. Marshall's Service and all remaining Defendants will be responsible for any costs incurred.

In anticipation of your cooperation in this matter,

I am


Dennis Marx, Plaintiff *Pro se*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

DENNIS MARX, <i>Pro Se</i>)	CIVIL ACTION FILE NO.
Plaintiff,)	2:13-CV-175
v.)	
)	
ROBERT HEAGERTY,)	
et al.)	

To Whom It May Concern:

As a direct result of the recently issued Order of this Honorable Court, Plaintiff contacted Defendants' County Liability Insurance Carrier, ACCG, and requested information relating to the proper Service of Summons to the remaining Forsyth County Sheriff's Office Defendants who declined to accept 'Waiver of Service'. Mr. Robert Kessel, the referred ACCG representative for Forsyth County, instructed Plaintiff to serve all remaining Summons to the Forsyth County Attorney of Record, Mr. Ken Jarrard, at his office located at 105 Pilgrim Village Drive, Suite 200, Cumming, Georgia. Mr. Jarrard is duly authorized to accept Service of Summons on behalf of Defendants as ACCG has been notified of this instant Complaint.

This 30th Day of April 2014

Respectfully,



Dennis Marx, Plaintiff *Pro se*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 2:13-CV-175

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Forsyth County Sheriff's Office et al
 was received by me on *(date)* 4/30/2014.

☐ I personally served the summons on the individual at *(place)* 105 Pilgrim Village Drive Suite 200

Cumming, County of Forsyth State of Georgia on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____, a person of suitable age and discretion who resides there,

on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* JARRARD & DAVIS, LLP SEAN P. KANE, who is

designated by law to accept service of process on behalf of *(name of organization)* FORSYTH COUNTY

SHERIFF'S OFFICE et al on *(date)* 4/30/2014; or


☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ 25.00 for travel and \$ 175.00 for services, for a total of \$ 200.00 @.

I declare under penalty of perjury that this information is true.

Date: 4/30/2014



 Server's signature
DYLAN ANDERSON

 Printed name and title

916 Paces Ct., Gainesville, Ga 30504

 Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

DENNIS MARX, Pro se, on behalf of the Citizens of
Forsyth County State of Georgia and all
United States Citizens

Plaintiff(s)

v.

ROBERT HEAGERTY, RICHARD J. WIGGINS,
NOAH SPRAGUE, J. BRENDAN MOORE,
RICHARD THOMPSON, JOSH BELL, JOHN
WHITWORTH, KEVIN PITTMAN, Et al,

Defendant(s)

Civil Action No. 2:13-CV-175

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ROBERT HEAGERTY, RICHARD J. WIGGINS, NOAH SPRAGUE, J. BRENDAN MOORE, RICHARD THOMPSON, JOSH BELL, JOHN WHITWORTH, M. HESTER, MICHAEL YOUNG, G. CANNON, STEVEN MADDOX, MIKE McCARRON, DEREK BLEISATH, TERRY HAWKINS, KEVIN PITTMAN, SCOTT BOGUS, AUGUSTO SESAM, TODD MALONEY, GARY CLARK, SAM BOONE, CHRISTOPHER SHELTON, WILLIAM LORING, JODY CHAPMAN, JEREMY COOK, TED PAXTON, DUANE PIPER, THOMAS T. LITTLE, Et al, IN THEIR INDIVIDUAL CAPACITY

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: DENNIS MARX, Pro se
1405 Lakeside Trail
Cumming, Georgia 30041

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk